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C O N F I D E N T I A L BOGOTA 003491

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TAGS: PHUM PGOV PTER KJUS CO
SUBJECT: NOVEMBER HUMAN RIGHTS UPDATE

REF: REF A: 09BOGOTA1126; REF B: 09BOGOTA3241; REF C: 09BOGOTA3365

CLASSIFIED BY: Mark A. Wells, Political Counselor; REASON: 1.4(B),
(D)

SUMMARY

¶1. (C) General Jaime Humberto Uscategui was sentenced to 40 years in prison for the 1997 Mapiripan, Meta massacre -- Uscategui is the first general to be convicted for involvement in a paramilitary massacre. A non-commissioned officer was sentenced to 30 years in prison for a 2005 extrajudicial execution (EJE). General Oscar Gonzalez Pena told the Embassy his tenure as army commander had seen many improvements in respect for human rights. The FARC burned six people alive, including two minors, on a passenger bus. Unknown assailants killed eight in Narino. End Summary.

GENERAL CONVICTED FOR MASSACRE,

OTHER MEMBERS OF MILITARY HELD IN FALSE POSITIVE CRIMES

¶2. (U) Retired General Jaime Humberto Uscategui was sentenced to 40 years in prison for his involvement in the 1997 paramilitary massacre in Mapiripan, Meta. Uscategui is the first general to be convicted for a paramilitary massacre; he announced he will appeal.

¶3. (U) Non-commissioned officer Jorge Andres Estupinan Chamorro, formerly of the 16th Brigade, was sentenced to 30 years in prison for his involvement in the November 2005 "false positive" murder of Jose Angel Higuila, who was presented as killed in combat in Dabeiba, Antioquia.

¶4. (U) The Prosecutor General's office ordered the preventive detention of Major Diego Hernan Padilla, Sergeant Juan Carlos Oveido, and Professional Soldiers Oscar Mauricio Castrillon and Diego Alejandro Echeverri of the Fourth Brigade's Pedro Nel Ospina Battalion for the May 2006 "false positive" murder of Diego Silver Garcia.

ARMY COMMANDER DEFENDS HR RECORD

¶5. (C) General Oscar Gonzalez Pena maintained to Polcouns November 25 that his year-long tenure as army commander had seen vast improvements in human rights performance. He noted that during his tenure, which began after General Mario Montoya was retired in the wake of the Soacha murder scandal, there had not been any proven cases of "false positives," a military murder presented as a combat kill. He conceded that there were two EJE cases under investigation, however. He also touted his creation of a human rights directorate within his command as well as a human rights training school. In addition, he claimed he had instituted a policy prior to last December's rotation cycle that all commanders of divisions, brigades, and battalions must be vetted for human rights issues. Gonzalez disagreed with UN Special Rapporteur Philip Alston's use of the term "systematic" to describe the EJE

problem within the army. He said the Colombian Army, like all armies, have persons who act outside the law and should be punished.

FARC ATTACK CIVILIANS,

FORMER LEADER CHARGED IN CHILD RECRUITMENT

¶6. (U) Six people, including two minors, were burned alive in a Revolutionary Armed Forces of Colombia (FARC) attack on a passenger bus in Barbacoas, Narino on November 20. The FARC attacked and burned two other buses in November.

¶7. (U) Since mid-October the FARC have killed 15 civilians in Southern Tolima; the majority of the victims were either community leaders or had relatives in the military or police.

¶8. (U) Extradited FARC leader and jailer, Gerardo Antonio Aguilar Ramirez, alias Cesar, has been charged in the forced recruitment of six children from a school in May 2004.

VIOLENCE IN NARINO

¶9. (U) Eight people, including two minors and an Awa indigenous member, were killed on November 4 in Barbacoas, Narino; no suspects have been identified. According to Bogota daily El Tiempo, five additional massacres occurred in Narino in 2009: on February 4, an undetermined number of indigenous were killed (REF A); on February 19, six Afro-Colombians were killed; on May 6, five Afro-Colombians were killed; on August 26, 12 indigenous were killed (REF B); and on October 27, four indigenous were killed (REF C).

¶10. (U) FARC leader Omar Rolando Herrera Nastacuaz, alias Marcos, was arrested on November 26 for his alleged involvement in the February 4 massacre of the Awa. The FARC had publicly accepted responsibility for the massacre.

PRISONS TO PILOT HUMAN RIGHTS OBSERVATORIES

¶11. (U) The National Prison Institute (INPEC) announced it would launch pilot human rights observatories in six prisons with the assistance of several universities, the United Nations, the Inspector General's Office (Procuraduria), and the Human Rights Ombudsman (Defensoria).

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